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99TH CONGRESS
2d Session

SENATE

REPORT
99-246

WILLIAM VOJISLAV RANKOVIC, STANISLAVA RANKOVIC, HUSBAND AND WIFE; AND WILLIAM RANKOVIC, JR., AND NATALIE RANKOVIC, THEIR CHILDREN

MARCH 5 (legislative day, FEBRUARY 24), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

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REPORT

[To accompany S. 257]

The Committee on the Judiciary, to which was referred the bill (S. 257) for the relief of William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Jr., and Natalie Rankovic, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 1, in line 10, delete "fee" and insert in lieu thereof, "fees".
2. On page 2, beginning at the end of line 6, delete the following language: "paragraphs (1) through (8) of".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Jr., and Natalie Rankovic, their children. The bill provides for the payment of the required visa fees and for appropriate visa number deductions. The amendments are technical in nature.

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STATEMENT OF FACTS

The beneficiaries of the bill are a 54-year-old husband, his 46-year-old wife and their children, aged 22 and 19. The parents are natives of Yugoslavia and citizens of Canada and the children are natives and citizens of Canada. The family initially entered the United States on January 25, 1973. Mr. Rankovic was admitted as a temporary worker. Thereafter, a sixth preference visa petition in his behalf was approved January 17, 1974, and an application for permanent residence was submitted. During the processing, his exclusion under section 212(a)(28) of the Immigration and Nationality Act was brought to light and he was subsequently granted defector status.

In November of 1975 his position with the petitioner was terminated which rendered the approved petition invalid and his application for permanent residence was denied July 14, 1980, Mr. and Mrs. Rankovic departed the United States March 22, 1980 for Canada in order to transact business on property they owned. They were paroled into the United States the same day which was later revoked when the applications for permanent residence were denied.

The following information with reference to the case was contained in Senate Report No. 97-620 in connection with S. 273 which was a similar bill for the relief of the same beneficiaries passed by the Senate in the 97th Congress:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., February 19, 1981.

A20-656-158.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 273) for the relief of William Vojislav Rankovic, Stanislava Rankovic and their children William Rankovic, Jr., and Natalie Rankovic, who were also the beneficiaries of S. 3136, 96th Congress, there is attached a memorandum of information concerning the beneficiaries.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who are not in possession of labor certification issued by the Secretary of Labor, and would grant the beneficiaries permanent residence in the United States as of the date of enactment upon payment of the required visa fees. It would also direct that the appropriate visa number deductions be made.

The beneficiaries, two natives of Yugoslavia and two natives of Canada, are chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants.

Sincerely,

DAVID DIXON,
Executive Assistant
(For the Commissioner).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 273

William Vojislav Rankovic is a native of Yugoslavia and a citizen of Canada. He was born December 27, 1931 in Mirosaljci, Yugoslavia. His wife, Stanislava Rankovic, is a native of Yugoslavia and a citizen of Canada, who was born August 14, 1939 in Sakulia, Yugoslavia. Their children, William Jr. and Natalie, are natives and citizens of Canada who were born July 22, 1963, in Manitoba, Canada, and on July 22, 1966, in Sarnia, Canada, respectively. Mr. Rankovic is a graduate of the Belgrade Technical School of Engineering, Belgrade, Yugoslavia, and is employed as an engineer in West Bloomfield, Mich., earning $30,000 per annum. Mrs. Rankovic holds a certificate for studies in economics and is employed as a part-time income tax preparer earning $3,400 per year. Their children attend public school in Southfield, Mich. The Rankovics were married on December 23, 1962, in Canada. Their assets consist of a house valued at $81,000, savings in the amount of $24,000, a home in Canada appraised at $30,000, and household goods worth $6,500.

The beneficiaries have no close relatives residing in the United States. Mr. Rankovic's widowed father resides in Belgrade, Yugoslavia. Mrs. Rankovic's three brothers, three sisters, and her widowed mother also reside in Belgrade, Yugoslavia.

The beneficiaries initially entered the United States on January 25, 1973. Mr. Rankovic was admitted as a nonimmigrant temporary worker while his family was admitted as his accompanying spouse and children. They were authorized to remain until December 21, 1973. In the interim, Mr. Rankovic became the beneficiary of a sixth preference visa petition which was approved January 17, 1974. On February 28, 1974, he submitted an application for adjustment of status to that of permanent resident. During the normal processing of the application his possible exclusion under section 212(a)(28) was brought to light. Mr. Rankovic was subsequently granted the status of defector and the ground of excludability was removed. However, in November of 1975, Mr. Rankovic's position with the petitioner was terminated. This dissolution consequently rendered the approved petition invalid and his application for permanent residence was denied on July 14, 1980.

Due to emergent reasons Mr. and Mrs. Rankovic departed the United States on March 22, 1980 for Canada. Upon their reentry on the same day they were paroled into the United States for an indefinite period of time. Following the denial of his application for permanent residence the parole was revoked. They were than re-paroled until September 10, 1980, in order to make arrangements to voluntarily depart the United States. Their children were accorded similar status. On September 20, 1980, exclusion proceedings were instituted against the beneficiaries.

A letter dated June 1, 1981, to the chairman of the Senate Committee on the Judiciary from the Immigration and Naturalization Service with the reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 1, 1981.

A20-656-158.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to S. 273 in behalf of William Vojislav Rankovic, his spouse Stanislava Rankovic, and their children, William Rankovic, Jr., and Natalie Rankovic, who were also the beneficiaries of S. 3136, 96th Congress.

William V. Rankovic continues to be employed as an electrical engineer earning $30,000 per year. Stanislava Rankovic is also employed as a part-time income tax preparer earning $3,000 per year. Their two children attend a local public high school.

Exclusion proceedings are presently pending against Mr. and Mrs. Rankovic. This is a result of their departing the United States on March 22, 1980, in order to transact business on property they own in Sarnia, Ontario, Canada. Upon their return they were paroled into the United States. However, the parole was later revoked when their applications for permanent residence was denied.

There have been no other changes in the beneficiaries' situations.

Sincerely,

DAVID DIXON
(For the Commissioner).

Senator Donald W. Riegle, Jr., has submitted the following information in support of his bill:

U.S. SENATE,
Washington, D.C., September 25, 1981.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The immigrant status and personal situation of the Rankovic family is explained in the enclosed material.

This family is firmly settled in the United States. They would be permanent residents by now had not Mr. Rankovic's labor certification been terminated when the employer moved out of Michigan to Texas and had not the question of Mr. Rankovic's defector status taken so long to be settled.

I sincerely hope the committee will continue to entertain S. 273 so that the Rankovics' stay in this country is assured until they can obtain permanent resident status.

Thank you for your consideration of this request.

Sincerely,

DONALD W. RIEGLE, Jr.

Enclosures.

S. 273—WILLIAM VOJISLAV RANKOVIC, STANISLAVA RANKOVIC, WILLIAM RANKOVIC, JR., NATALIE RANKOVIC

Last entry into U.S.: March 22, 1980.
Immigration status at time: Paroled.
Age and place of birth: December 27, 1931, William Sr., Yugoslavia; August 14, 1939, Stanislava, Yugoslavia; July 22, 1963, William, Jr., Canada; July 22, 1966, Natalie, Canada.
Address in the United States: 18409 Hilton, Southfield, Mich., 48075. U.S. Consulate where visa obtained: Canada.

LAW OFFICES OF WILLIAM H. DANCE,
Detroit, Mich., March 26, 1981.

Re Mr. and Mrs. William Rankovic.
Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIEGLE: Thank you very much for your courtesy in forwarding a copy of the private bill concerning the above people, together with a copy of your letter to them of March 12, 1981.

With respect to the information requested in paragraph two of your letter, I think that the only change in the immigration status is that we are working very diligently in our attempt to obtain alien labor certification for Mr. Rankovic. I do not have much doubt that eventually we will succeed, but it is taking time. If we obtain alien labor certification for him, we will then be able to get him in line for either a third preference or sixth preference visa which he could eventually pick up at the Consulate in Canada. This would solve the entire problem. At the present time, we are having some problems with the Labor Department and, as you know, this is not an uncommon experience.

I have talked to Mr. and Mrs. Rankovic and I know that they have already forwarded a statement to you. I want to thank you personally for the kind and wonderful help you are giving to a family which would make a good family and a productive family as a family of citizens of the United States. I hope that this will eventually be the result of the efforts.

We also take this opportunity to congratulate you on what I think is an excellent record being made by you as a U.S. Senator.

Respectfully,

WILLIAM H. DANCE.

MARCH 18, 1981.

DEAR SENATOR RIEGLE: I am responding to your letter from March 12, 1981.

Mr. Riegle, I and my whole family want to thank you for your concern and help, for giving us a chance to stay in the United States.

I cannot begin to tell you how much it meant for all of us, particularly for our two children who practically grow up in here. We

established ourselves in Michigan, got to know many people, made friends, we lived here since October 1969.

When the person leaves his or her own country it takes long time to adjust to new language, different way of life, to feel at home.

When we moved to Detroit in 1969 our son was 6 years old, first grade in school, and our daughter was 3 years old. Now our son is graduating from high school this June.

At the beginning of our stay in the United States we did not think we would stay longer than 2 or 3 years. However as the years went by, we begin to feel that this is where we would like to stay. Canada was nice too, but we felt a little out of place, maybe because we did not stay long in any place, or the climate was too cold.

Seven years ago we purchased this house in Southfield and we love it. The area community, big city of Detroit with all variety of the big city. It would take us a long time to relocate.

We could not bring ourselves to move out of the country.

My husband went back to Midland to work for the same company, Lincoln Technical Services. His work phone is 1-517-496-5758.

We tried very hard to find a sponsor for new labor certification and it is hard at this time. Finally same company decided to sponsor. The ad ran in Detroit Free Press six times. There was five applicants. Mr. Dance filed it not long ago and it is pending now.

I went back to work; this is my seventh year with H. R. Block, my work phone number is 535-5138. My job will end April 16, 1981.

Mr. Dance has all of the copies of documents.

Once again thank you very much for everything you done for us.

Sincerely,

STANISLAVA RANKOVIC.

OUTLINE FOR CONSIDERATION OF A PRIVATE BILL FOR THE RANKOVIC FAMILY

The family concerned consists of the following members: Rankovic, William V., born December 27, 1931; Rankovic, Stanslava, born August 14, 1939; Rankovic, William, Jr., born July 23, 1963; Rankovic, Natalie, born July 22, 1966.

Mr. and Mrs. Rankovic were born in Yugoslavia and the two children were born in Canada.

Mr. and Mrs. Rankovic immigrated to Canada in 1956 and resided there until 1969. They entered the United States in 1969 when their children were 3 and 6 years of age. Mr. Rankovic came into the United States as an H-2 in 1969. After that, he became an H-1 based on the petition of Ian Martin, Inc. Mr. Rankovic is an electrical engineer and Ian Martin, Inc. followed with a sixth preference petition which was approved on January 17, 1974. A sixth preference adjustment was held up from 1974 to January 14, 1980, at which time it was determined that Mr. Rankovic was entitled to defector status under section 212(a)(28)(I)(ii).

We are attaching a copy of the decision of the regional commissioner re defector status which is dated February 14, 1980. This decision indicates that Mr. Rankovic "last entered the United States on January 25, 1973, as an H-1 nonimmigrant," however, the

family has been living in the United States since 1969 and the children have been in school in the United States all of their school life. Both children are now in high school at Southfield High School, one being a senior and the other a sophomore.

After defector status was determined favorably, Mr. Rankovic was called in for an interview considering adjustment of status based upon the original petition according him sixth preference. Attached hereto is a copy of the result of that interview which is dated July 14, 1980. Mr. Rankovic's employment with Ian Martin, Inc., did in fact cease in 1975 when the company moved to Texas upon the expiration of a contract with Detroit Edison.

At all times during his stay in the United States, Mr. Rankovic has been employed and Mrs. Rankovic has been employed. Employment has been authorized for both, but Mr. Rankovic did not know anything wrong was done, until his final interview for permanent residence and was caught in the maze of immigration regulations and statutes.

These people are the kind of people who built this country. They are hard-working, honest, pay their taxes, and have pride in their neighborhood and are educating their children to be good citizens. William, Jr., has a B-average and Natalie has high honors. It seems tragic that at this point in their lives these children are summarily removed from their friends and peers and the parents are being forced to give up everything they have honestly worked for with no knowledge at all that any laws were violated.

Recently, a further H-1 petition was filed in behalf of Mr. Rankovic and despite the fact that he has been classified twice by INS as an electrical engineer, the present examiner is demanding educational equivalency evaluation claiming that he is nothing more than an electrician as far as the examiner can see, which seems to ignore the prior filings with INS, all to the detriment of this family.

This family has acquired a house in Southfield which is now listed for sale and the real estate company has set a price of $81,000, which shows how this family has worked and saved while here.

We are also attaching a copy of the H-1 application we have made in an effort to keep Mr. Rankovic here, concerning which application INS is now demanding an equivalency statement to show that Mr. Rankovic in fact is an electrical engineer. We respectfully direct attention to the decision of the regional commissioner (attached) which states in the first paragraph that Mr. Rankovic was indeed classified as an electrical engineer.

In support of his application for defector status, neighbors and coworkers submitted affidavits concerning Mr. Rankovic and we attach copies of these, the originals of which were filed with INS. We think that if any family was ever deserving of having a private bill introduced, certainly this family is. They want to stay and if the bill is introduced, during its pendency, we can obtain a new sixth preference status and Mr. Rankovic can proceed to permanent residency and eventually citizenship. If we don't do it, we lose four excellent citizenship candidates.

A letter dated June 2, 1983, to the Chairman of the Senate Committee on the Judiciary from the Immigration and Naturalization Service with reference to the instant bill, reads as follows:

U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I[illegible] Street N.W.
Washington, D.C. 20536

A20 656 158
A20 657 703
A23 192 267
A23 192 268

2 JUN 1983

Honorable Strom Thurmond
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This refers to S. 256 in behalf of William Vojislav Rankovic, Stanislava Rankovic, William Rankovic, Junior, and Natalie Rankovic, who were also the beneficiaries of S. 273, 97th Congress.

William Vojislav Rankovic has been laid off from his job as an electrical engineer since March of 1982 and has exhausted his unemployment benefits. Stanislava Rankovic continues to be employed as a part-time income tax preparer, but anticipates a seasonal lay-off in the immediate future. William Rankovic, Junior is enrolled at Lawrence Institute of Technology in Southfield, Michigan and Natalie Rankovic still attends a local public high school.

The beneficiaries continue to reside at the same address in Southfield, Michigan, although they now value their home at only $75,000. Their remaining assets consist of savings in the amount of $17,000, a home in Canada appraised at $30,000, an automobile valued at $4,000, and household goods worth $5,000. The beneficiaries' combined income from all sources for 1982 was approximately $19,000.

On December 17, 1981, the beneficiaries' application for lawful permanent resident status was denied, and they were ordered excluded and deported from the United States. An appeal from the decision of the Immigration Judge was dismissed by the Board of Immigration Appeals on May 27, 1982. William Vojislav Rankovic and Stanislava Rankovic were granted employment authorizations on April 6, 1983, as they claimed that their lack of lawful status in the United States was hampering efforts to secure new jobs.

Sincerely,

FOR THE COMMISSIONER

S/Marvin T. Ely

for Greg Lee
Acting Director, Congressional
and Public Affairs

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just four individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 257), as amended, should be enacted.

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